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NANO, SARGON N				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/055,097

Applicant(s)

TRAVERSAT ET AL.

Examiner

SARGON N. NANO

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. This action is responsive to amendment filed on March 3, 2007. Claims 1, 6, 9, 11, 16, 18, 20, 30, 35 - 37, 45 and 51 – 62 have been amended. Claims 1 – 62 are pending examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borella et al U.S. Patent No. 6,269,099 (referred to hereafter as Borella) in view of Bommareddy et al . U.S. Patent No. 6,880,089 (referred to hereafter as Bommareddy).

As to claim 1, Borella teaches a peer computing system comprising:
a plurality of peer nodes operable to couple to a network, wherein the plurality of peer nodes are configured to implement a peer-to-peer environment on the network according to a peer-to-peer platform comprising one or more peer-to-peer platform protocols for enabling the plurality of peer nodes to discover each other, communicate with each other, and cooperate with each other to form peer groups and share content in the peer-to-peer environment , and wherein each of the plurality of peer nodes is a host of the content in the peer - to- peer environment(see col. 3 lines 35 – 52, col. 2 line

49 – col.4 line 18 and fig. 1 Borella discloses a peer to peer network devices are discovered by other network devices on multiple networks);

wherein the plurality of peer nodes are partitioned by a mechanism on the network into a set of one or more peer nodes inside the mechanism and a set of one or more peer nodes outside the mechanism, wherein peer nodes on opposite sides of the mechanism cannot communicate directly with each other on the network (see col.1 lines 40 – 51 and col. 4, lines 59 – col.5 line 5 and fig.1, Borella discloses edge routers that connect multiple networks).

Wherein one of the plurality of peer nodes is a relay peer node operable to couple to the network outside the mechanism, and further operable to:

receive a message from a peer node outside the mechanism, wherein the message is for a peer node inside the mechanism; and relay the message to the peer node inside the mechanism (see col.6 line 61 – col. 7 line 17 and fig.1, Borella discloses a message communicated via a router from one autonomous system to another device another autonomous system).

Borella substantially teaches the invention as mentioned above. Borella does not explicitly teach the mechanism as a firewall. However, Bommareddy teaches a firewall clustering for multiple network servers. Bommareddy teaches a firewall placed between inside or “trusted” network and outside “untrusted” network where the firewall perform filtering operation and /or network address translation (NAT) services. It would have been obvious to one of the ordinary skill in the to incorporate the installation of a firewall

in Borella's invention to protect the network form unauthorized access (see Bommareddy col. 4 lines col. 3 line 50 – col. 5 line 7 & col. 6 lines 37 – 67) .

As to claim 2, Borella and Bommareddy teach the peer computing system as recited in claim 1, wherein the relay peer node is further operable to:

receive a message from the peer node inside the mechanism, wherein the message is for the peer node outside the mechanism; and relay the message to the peer node outside the mechanism (see Bommareddy col. 4 lines col. 3 line 50 – col. 5 line 7 & col. 6 lines 37 – 67).

As to claim 3, Borella and Bommareddy teach the peer computing system as recited in claim 1, wherein the mechanism is a firewall (see Bommareddy col. 3 line 50 - col. 5 line 12 and col. 6 lines 37 - 67).

As to claim 4 Borella and Bommareddy teach the peer computing system as recited in claim 1, wherein the mechanism is a Network Address Translation (NAT) gateway (see Bommareddy abstract and col. 6 lines 53 – 61).

As to claim 5, Borella and Bommareddy teach the peer computing system as recited in claim 1, wherein the relay peer node is further operable to cache route information describing one or more routes to peer nodes on the network (see Borella col.7 lines 37 - 51).

As to claim 6, Borella and Bommareddy teach the peer computing system as recited in claim 5, wherein, to relay the message to the peer node inside the mechanism, the relay peer is operable to use the cached route information to route the

received message to the peer node outside the mechanism (see Bommareddy col. 7 lines 1 – 50).

As to claim 7, Borella and Bommareddy teach the peer computing system as recited in claim 5, wherein the relay peer node is further operable to: receive a query requesting route information to one of the plurality of peer nodes from another one of the plurality of peer nodes, wherein the query is formatted according to an endpoint routing protocol; and send the requested route information to the requesting peer node in accordance with the endpoint routing protocol (see Borella abstract).

As to claim 8, Borella and Bommareddy teach the peer computing system as recited in claim 5, wherein the route information includes an ordered sequence of peer identifiers configured for use in routing a message to a destination peer node (see Bommareddy col. 7 lines 1 – 50).

As to claim 9, Borella and Bommareddy teach the peer computing system as recited in claim 1, wherein the message includes route information, and wherein, to relay the message to the peer node inside the mechanism, the relay peer is operable to use the route information included in the message to route the received message to the peer node inside the mechanism (see Bommareddy col. 7 lines 1 – 50).

As to claim 10, Borella and Bommareddy teach the peer computing system as recited in claim 9, wherein the route information includes an ordered sequence of peer identifiers configured for use in routing a message to a destination peer node(see Bommareddy col. 7 lines 1 – 50).

As to claim 11, Borella and Bommareddy teach a peer computing system comprising:

a plurality of peer nodes operable to couple to a network, wherein the plurality of peer nodes are configured to implement a peer-to-peer environment on the network according to a peer-to-peer platform comprising one or more peer-to-peer platform protocols for enabling the plurality of peer nodes to discover each other, communicate with each other, and cooperate with each other to form peer groups and share content in the peer-to-peer environment, and wherein each of the plurality of peer nodes is a host of content in the peer- to -peer environment ,and wherein each of the plurality of peer nodes is a host of the content in the peer - to- peer environment (see Borella col. 3 lines 35 – 52, col. 2 line 49 – col.4 line 18 and fig.1);

wherein the plurality of peer nodes are partitioned by a mechanism on the network into a set of one or more peer nodes inside the mechanism and a set of one or more peer nodes outside the mechanism, wherein peer nodes on opposite sides of the mechanism cannot communicate directly with each other on the network (see Borella col.1 lines 40 – 51 and col. 4, lines 59 – col.5 line 5 and fig.1);

wherein the plurality of peer nodes comprises one or more relay peer nodes operable to couple to the network outside the mechanism, wherein each of the peer nodes inside the mechanism are operable to publish an advertisement on the one or more relay peer nodes (see col.6 line 61 – col. 7 line 17 and fig.1).

; and wherein each of the peer nodes outside the mechanism are operable to discover the advertisements for the peer nodes inside the mechanism published on the one or more relay peer nodes(see col.6 line 61 – col. 7 line 17 and fig.1)

Borella teaches substantially the invention as mentioned in claim11. Borella does not explicitly teach the mechanism as a firewall. However, Bommareddy teaches a firewall clustering for multiple network servers. Bommareddy teaches a firewall placed between inside or "trusted" network and outside "untrusted" network where the firewall perform filtering operation and /or network address translation (NAT) services. It would have been obvious to one of the ordinary skill in the to incorporate the installation of a firewall in Borella's invention to protect the network form unauthorized access (see Bommareddy col. 4 lines col. 3 line 50 – col. 5 line 7 & col. 6 lines 37 – 67) .

As to claim12, Borella and Bommareddy teach the peer computing system as recited in claim 11, wherein the mechanism is a firewall (see Bommareddy col. 3 line 50 - col. 5 line 12 and col. 6 lines 37 - 67).

As to claim 13, Borella and Bommareddy teach the peer computing system as recited in claim 11, wherein the mechanism is a Network Address Translation (NAT) gateway (see Bommareddy abstract and col. 6 lines 53 – 61).

As to claim 14, Borella and Bommareddy teach the peer computing system as recited in claim 11, wherein the one or more relay peer nodes are further operable to relay messages between the peer nodes outside the mechanism and the peer nodes inside the mechanism (See Borella fig.1).

As to claim 15, Borella and Bommareddy teach the peer computing system as recited in claim 14, wherein the relay peer node is further operable to cache route information describing one or more routes to peer nodes on the network (See Borella col. 7 line 37 - 51).

As to claim 16, Borella and Bommareddy teach the peer computing system as recited in claim 15, wherein, to relay the messages between the peer nodes, the relay peer is operable to use the cached route information to route the received message to the peer node outside the mechanism (this feature is inherent and is well known in the art . Every router has routing tables which stores the locations or addresses of network devices).

As to claim 17, Borella and Bommareddy teach the peer computing system as recited in claim 15, wherein the route information includes an ordered sequence of peer identifiers configured for use in routing a message to a destination peer node (see Bommareddy col. 7 lines 1 - 50).

As to claim 18, Borella and Bommareddy teach the peer computing system as recited in claim 14, wherein the message includes route information, and wherein, to relay the messages between the peer nodes, the relay peer is operable to use the route information included in the message to route the message to the peer node inside the mechanism (see Bommareddy col. 7 lines 1 - 50).

As to claim 19, Borella and Bommareddy teach the peer computing system as recited in claim 18, wherein the route information includes an ordered sequence of peer

identifiers configured for use in routing a message to a destination peer node (see Bommareddy col. 7 lines 1 – 50) .

Claims 20 – 62 do not teach or further limit over the limitations of claims 1 - 19 and therefore are rejected for similar reasons.

Response to Arguments

3. Applicant's arguments filed on March 7, 2008 have been fully considered but they are not persuasive. In the remarks, applicant argues in substance that:

A) The prior art failed to teach each of the plurality of peer nodes is a host of content in the peer to peer environment.

In response to A); Examiner respectfully disagrees because in a peer to peer architecture, each peer, or computer is considered equal in terms of responsibilities, and each peer acts as a server or host to the other peers in a network. As clearly disclosed by Microsoft Computer Dictionary, fifth edition. For convenience, the examiner provides the definition: "a network of two or more computers that use the same program or type of program to communicate and share data. Each computer, or peer, is considered equal in terms of responsibilities and each acts as a server to the others in the network". Therefore, in a peer to peer architecture each peer acts as a client or a server.

B) No sufficient motivation to combine the cited references since claims 1 and 11 do not recite anything about firewall.

In response to B); examiner respectfully disagrees, because the mechanism or partition mechanism recited in the above claims is in fact a firewall as clearly indicated by claims 3, 12, 28, 31, 43, 49, 61 & figs. 20, 21, and 25 of the specification.

C) The prior reference does not teach or suggests that the edge router is a content host in the peer to peer environment.

In response to C); In a peer to peer architecture, each peer or computer is considered as a host or client, the edge router that is disclosed by Borella is in fact a peer network device as clearly shown in the abstract of Borella:

"The peer discovery protocol and methods allow error correction, encryption, compression and other "intelligent" services to be added to peer network devices such as edge routers", (see abstract lines 16 – 19).

For at least the reason quoted above, the edge router disclosed by Borella is in fact a peer or host in a peer to peer network.

D) There is no sufficient motivation to combine the references in teaching the claimed invention.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Moreover, KSR forecloses the argument that a specific teaching, suggestion, or motivation is required to support a finding of obviousness. See the recent Board decision *Ex Parte Smith*, --USP2d-- , slip op.at 20, (Bd. Pat. App.& Interf. June 25, 2007) (citing KSR, 82 USPQ2d at 1396).

E) Neither of the cited references describes anything about ordered sequences of peer identifiers cached as routing information on a relay peer node.

In response to E); this feature is inherent on a network. A sending peer must include the order of sequence of the intervening peer in order for peers to communicate with each other.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

- 3 Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARGON N. NANO whose telephone number is (571)272-4007. The examiner can normally be reached on 8 hour.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Sargon Nano

June 13, 2008

/Ario Etienne/

Supervisory Patent Examiner, Art Unit 2157